

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

VICTOR ANGUIERA,

Defendant.

DECISION AND ORDER
11-CR-116S (1)

Presently before this Court is Defendant Victor Anguiera's Motion for Reconsideration (Docket No. 393) of this Court's Order (Docket No. 354) denying his Motion for Reduction of Sentence under 18 U.S.C. § 3582(c)(2).

Defendant continues to maintain that he is entitled to a reduction in his sentence under Amendments 782 and 788 of the United States Sentencing Guidelines, which together modify U.S.S.G. § 2D1.1 to lower sentencing ranges for certain categories of drug-related offenses both presently and retroactively.

For the reasons stated in this Court's initial Order (Docket No. 354), Defendant's motion is denied. Defendant has come forth with no persuasive reason for this Court to reconsider its finding. Notwithstanding his efforts at rehabilitation and his previous substantial assistance to law enforcement, Defendant is ineligible for a sentence reduction, because he was sentenced to a non-guideline sentence of 120 months on Count 1, which is lower than his reduced guideline range would be under the amendment, even with application of a comparable substantial assistance departure. See U.S.S.G. § 1B1.10(b)(2) (precluding a court from lowering an inmate's term of imprisonment below the low end of his or her amended guideline range). In any event, given the significantly

reduced sentencing previously imposed, this Court would deny Defendant's request for a sentence reduction as a matter of discretion. Accordingly, Defendant's Motion for Reconsideration is denied.

IT HEREBY IS ORDERED, that Defendant's Motion for Reconsideration (Docket No. 393) is DENIED.

SO ORDERED.

Dated: April 8, 2016
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge